

HOUSE BILL NO. 657

INTRODUCED BY R. MAEDJE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT 5 PERCENT OF THE TAXES COLLECTED ON THE SALE OF CIGARETTES BE ALLOCATED TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, TO BE DISTRIBUTED TO COUNTY BOARDS OF HEALTH AND USED FOR A SMOKING CESSATION PROGRAM; AMENDING SECTION 16-11-119, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-11-119, MCA, is amended to read:

"16-11-119. Disposition of taxes. (1) Cigarette taxes collected under the provisions of 16-11-111 must, in accordance with the provisions of 15-1-501, be deposited as follows:

(a) 8.3% or \$2 million, whichever is greater, in the state special revenue fund to the credit of the department of public health and human services for the operation and maintenance of state veterans' nursing homes;

(b) 2.6% in the long-range building program account provided for in 17-7-205;

(c) 5% to an account in the state special revenue fund provided for in [section 2], to be used for the purposes of the smoking cessation program provided for in that section;

~~(c)~~(d) 44% in the state special revenue fund to the credit of the health and medicaid initiatives account provided for in 53-6-1201; and

~~(d)~~(e) the remainder to the state general fund.

(2) If money in the state special revenue fund for the operation and maintenance of state veterans' nursing homes exceeds \$2 million at the end of the fiscal year, the excess must be transferred to the state general fund."

NEW SECTION. Section 2. Smoking cessation account in state special revenue fund -- approved smoking cessation products -- grants to counties for smoking cessation counseling. (1) There is a smoking cessation account in the state special revenue fund established in 17-2-102. The account must be administered by the department of public health and human services.

(2) There must be deposited in the account the money from the cigarette tax deposited pursuant to 16-11-119(1)(c). Money in the account may be used only for the purposes of the smoking cessation program provided for in this section.

(3) The department shall create and administer a program of product research and grants to county boards of health to encourage residents of this state to stop smoking through the use of smoking cessation products, smoking cessation counseling, or both.

(4) The department shall, no later than July 1 of each year, allocate to county boards of health all of the fiscal year funding appropriated for the program from the special revenue account provided for in this section. Allocations to the counties must be made on the basis of the estimated number of persons in the county who smoke and any other criteria determined by the department.

(5) As part of the smoking cessation program, the department shall investigate the use of products intended for use as an aid to smoking cessation and study the success rate and recidivism rate in connection with the use of those products over a 1-year period. Based upon its investigation and its conclusions with regard to the use of those products, the department shall determine biannually which of the products have the highest rate of success as an aid to smoking cessation and shall biannually distribute to county boards for distribution in the county a list of the 10 most successful products.

(6) The department shall also annually provide to county boards of health, based upon an estimate of the number of persons in the county who smoke and any other criteria determined by the department, grants to be used for providing smoking cessation counseling to county residents.

(7) The department shall adopt administrative rules necessary to implement this section.

(8) The first list of smoking cessation products and the first grants for smoking cessation counseling must be provided to county boards of health no later than July 1, 2006. After that date, county boards of health shall biannually distribute the list of smoking cessation aids and annually provide smoking cessation counseling to persons in the county who smoke. A contract for providing smoking cessation counseling offered by a county pursuant to this section is subject to public contracting laws and to county contracting ordinances or policies applicable to a county board of health.

(9) As used in this section, "county board of health" or "county board" means:

(a) a county board of health provided for in 50-2-104;

(b) a city-county board of health provided for in 50-2-106; and

(c) a district board of health provided for in 50-2-107.

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2 NEW SECTION. **Section 3. Codification instruction.** [Section 2] is intended to be codified as an

3 integral part of Title 53, chapter 6, and the provisions of Title 53, chapter 6, apply to [section 2].

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5 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2005.

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